

Special and Regular Meeting of Wednesday, November 12, 2008
City Council Chambers, One Twin Pines Lane

SPECIAL MEETINGS

CLOSED SESSION - 6:00 P.M.

- A. Conference with Real Property Negotiator Crist pursuant to Government Code Section 54956.8: One Parcel, APN 106-200-120, concerning price and terms of payment
- B. Conference with Legal Counsel Pursuant to Government Code Section 54956.9(c) Initiation of Litigation: One Case
- C. Conference with Labor Negotiator, Jack Crist, pursuant to Government Code Section 54957.6: MMCEA and AFSCME

Attended by Councilmembers Feierbach, Wozniak, Braunstein, Dickenson, Lieberman, City Manager Crist, City Attorney Zafferano, Community Development Director de Melo, Finance Director Fil, Public Works Director Davis, Police Chief Mattei, Human Resources Director Dino, and Labor Negotiator Tuffo. City Clerk Cook was excused from attending.

ADJOURNMENT at this time, being 7:25 P.M.

Terri

Cook
City Clerk

This meeting was not tape recorded or videotaped.

REGULAR MEETING
CALL TO ORDER 7:35 P.M.

ROLL CALL

COUNCILMEMBERS PRESENT: Feierbach, Wozniak, Braunstein, Dickenson, Lieberman

COUNCILMEMBERS ABSENT: None

Staff Present: City Manager Crist, Community Development Director de Melo, Public Works Director Davis, Finance Director Fil, Human Resources Director Dino, City Treasurer Violet, City Clerk Cook.

REPORT FROM CLOSED SESSION

City Attorney Zafferano reported that direction was given but no action taken during the Closed Sessions held earlier in the evening, as well as the one held on November 7, 2008. He noted that Closed Session Item C (Labor Negotiations) would be continued following adjournment of the regular meeting.

SPECIAL PRESENTATIONS

Presentation by Sustainable San Mateo County

Tina King, Sustainable San Mateo County (SSMC), acknowledged the City of Belmont for its dedication to sustainability. She outlined examples of programs and projects that the City has undertaken in this endeavor. She noted that in March of 2009, SSMC would be holding its tenth annual Indicators Awards. There is a need for government agencies to make wise decisions in order to protect the environment and to sustain and thrive.

Ms. King reviewed population trends and described water issues affecting the Bay Area. She described how global warming could affect sea levels. She noted that drought-resistant landscaping also acts as a fire retardant. She outlined senior mobility issues, and noted that many seniors desire to remain in their own community. She stated that there is a good distribution of job diversity in the area.

Ms. King stated that the issue of aging baby boomers is something that will need to be considered in future civic planning. Homes along transit corridors are selling faster than homes in other areas. She described SSMC's new Sustainable webtool, which utilizes the Indicators Report as a method of helping jurisdictions make smart choices.

In response to Councilmember Feierbach's concern regarding the conversion of farmland to housing, Ms. King concurred, and noted that the Metropolitan Transportation Commission's funding for in-fill development could help ease the conversion of farmland and open space.

PUBLIC COMMENTS AND ANNOUNCEMENTS

Kathleen Beasley, Belmont Library Manager, outlined upcoming music and cultural programs to be held at various libraries in the County. She noted that all of the programs are free, which provides a good choice given the current economy.

COUNCIL MEMBER COMMENTS AND ANNOUNCEMENTS

Mayor Lieberman announced 1) Council Reorganization Meeting on November 25, 2008; 2) Craft Faire at Twin Pines Park on November 22nd and 23rd; 3) Belmont Tree Lighting at Twin Pines Park on December 3rd; 4) Breakfast with Santa event will be held on December 6th; 5) the latest edition of the Belmont Newsletter will be mailed soon.

Mayor Lieberman also noted that he and Councilmember Braunstein would be presenting a proclamation to the Bel-Mateo Bowl for their sponsorship of free bowling for kids during the summer. He also announced that he and Councilmember Feierbach attended a ceremony given by the Tobacco Coalition, which provided the City Council with an award for its efforts with regard to the smoking ordinance.

Councilmember Braunstein thanked Belmont resident Joan Dentler for her efforts as writer and editor of the Belmont Newsletter.

CONSENT CALENDAR

Approval of Resolution 10073 Denying Request to Move Two Samtrans Bus Stops on Hiller Street at Nesbit Elementary School

Adoption of Ordinance 1040 Amending the Los Costanos Redevelopment Plan Pursuant to Health and Safety Code Section 33333.6(e)(2)(B) and (D), and Amending Related Ordinances in Connection Therewith

Acceptance of Written Communication: 1) Received November 5, 2008, from the PUC, Southern Cal Edison's Notice of Availability of Annual Report on Compliance with General Order 166

ACTION: On a motion by Councilmember Dickenson, seconded by Councilmember Feierbach, the Consent Agenda was unanimously approved by a show of hands.

NEW BUSINESS

Discussion and Direction Regarding Creek Restoration Program

Public Works Director Davis noted that this topic has been on the Council's Priority Calendar for several years.

City Engineer Bormann reviewed the 2004 City Council discussion of this issue. She provided information regarding the current year's program relative to creek maintenance. Twin Pines Park and Waterdog Lake are the major public properties over which the creek crosses above ground. She reported that many years ago the City obtained six easements on private properties in anticipation of creek improvements. Due to subsequent State and Federal restrictions, staff is recommending that the Council consider abandonment of these easements. No construction is allowed which would impede the creek's capacity.

City Engineer Bormann reviewed the floodplain of Belmont Creek. She noted that the City could establish regulations regarding creek setbacks. Current regulatory activities undertaken by the City include the NPDES program (National Pollutant Discharge Elimination System), annual creek cleanup, and a tree survey. Recent projects include dredging of the creek along Old County Road, and creek bank stabilization along a tributary near Alameda de las Pulgas. Potential or planned projects include necessary creek work if the Harbor Industrial Area is annexed, dredging of Waterdog Lake, and a bioengineering project in Twin Pines Park.

City Engineer Bormann stated that some funding options are already in place for some of these projects, but fees could be raised to obtain additional funds. She suggested that the Council consider sponsoring a workshop directed at private property owners along the creek, in order to educate them about their responsibilities. Some grants may be available to nonprofit or private organizations which are establishing creek restoration programs.

In response to Councilmember Feierbach, City Engineer Bormann clarified that the Belmont Creek was previously designated as waters of the City, but are now waters of the State. The City does not have the right to maintain them, which is why the easements are no longer needed. Maintenance is now the responsibility of the adjacent property owner.

Public Works Director Davis stated that outreach regarding this issue is needed to address maintenance and debris clearing options. A nonprofit champion is needed, and funding is available.

Councilmember Feierbach stated that the Belmont Open Space Trust's (BOST) jurisdiction includes the entire City, and it may want to expand to include creeks.

Public Works Director Davis noted that several hundred parcels abut the creek.

In response to Councilmember Braunstein's questions regarding limited funds, Public Works Director Davis clarified that the NPDES fees have not been raised in several years, and any new program would likely require a Proposition 218 hearing process in order to increase fees. He added that creek restoration is an issue that will eventually need to be addressed.

In response to Councilmember Feierbach, Public Works Director Davis clarified that the existing easements allowed the City to cross private property to access the creek. Abandoning the easements would not be giving up any property to anyone.

Council concurred to pursue the abandonment of the easements, as described.

Discussion ensued regarding a potential bioengineering project within Twin Pines Park. Public Works Director Davis stated the cost would be in the millions of dollars, and there is a need to assess various treatments first. There is no mandate for this, and there are no monies budgeted. There is also no immediate danger.

Councilmember Wozniak recommended tabling this issue for now.

Councilmember Braunstein suggested including money in the budget during the next budget cycle.

Councilmember Dickenson suggested including this in the spring Priority Calendar discussion.

Discussion ensued regarding creek setbacks. Public Works Director Davis noted that retaining walls could be built now to further restrict any encroachment. The City Council could consider a healthy creek ordinance. He clarified that the State Fish and Game Department does not allow any new culverts along the creek.

Council concurred to pursue a healthy creek ordinance.

Discussion ensued regarding fees. Public Works Director Davis suggested waiting to see what the County will do with its NPDES program, as this may require a fee increase.

Councilmember Braunstein suggested looking at other options besides just an increase in fees.

Council concurred to seek grant funding.

Public Works Director Davis noted that a Proposition 218 vote may still be needed if the County mandates additional programs.

Council concurred to table the rate issue for now and to wait for additional County action on this matter.

Discussion ensued regarding educational outreach.

Councilmember Wozniak recommended a proactive approach of notifying those property owners adjacent to the creek regarding their responsibilities.

Councilmember Dickenson suggested holding a workshop for property owners.

Council concurred. Council also concurred to communicate with BOST.

RECESS: 8:45 P.M.

RECONVENE: 8:50 P.M.

Discussion and Direction Regarding San Juan Hills/Western Hills Floor Area Transfer Policies

Mayor Lieberman noted that some Councilmembers may have a conflict of interest on this item, and it will be continued to a date uncertain until that potential conflict is clarified.

COMMISSION, COMMITTEE, AND COUNCIL INTERGOVERNMENTAL ASSIGNMENT UPDATES, AND STAFF ITEMS

Verbal report from Councilmembers on Intergovernmental (IGR) and Subcommittee Assignments

Councilmember Wozniak noted that the recent County Library JPA (Joint Powers Authority) meeting was held at the new Portola Valley Library. She noted that this building, which is part of its new Town Center, is applying for platinum LEED certification. She described the details of the building.

Councilmember Braunstein stated that proposed solid waste providers made presentations at the recent Infrastructure Committee meeting. Future discussions will be taking place. There is no time sensitivity on this issue. Mayor Lieberman added that following the next meeting, the committee may be making a recommendation to the Council.

Mayor Lieberman stated that the Harbor Industrial Area committee will be bringing forward a resolution for Council's consideration which will invite voluntary annexation in exchange for the City paying some of the associated annexation costs. He also described a Threshold 2008 dinner meeting he attended which addressed affordable housing in San Mateo County.

Green Advisory Committee Update

Councilmember Dickenson reviewed some of the suggestions under consideration by the Green Advisory Committee. The committee would like to start the process of plotting biking and walking routes to schools as a way to create interconnectivity. He described the walking school bus that has started at Central Elementary School. He stated that a steward is needed to address mobility issues. There is potential funding available through grants.

Councilmember Wozniak noted that support from the City is needed to fix potential safety issues. She noted that Share the Roads is a State requirement. She commented that although a quorum was not present, the Advisory Committee brainstormed priorities from each subcommittee. The committee has experienced resignations, and alternates are not attending.

Councilmember Dickenson outlined some of the attendance issues, and noted that attrition has been experienced due to the size of the group. He recommended that the Council consider reorganizing the committee.

Community Development Director de Melo clarified that staff would be contacting committee members to clarify their status.

Verbal Report from City Manager

City Manager Crist stated that Police Chief Mattei is scheduled to be the speaker at the next Harbor Industrial Area (HIA) lunch. He will advise them of the upcoming resolution regarding voluntary annexation.

ADJOURNMENT at this time, being 9:15 p.m., to Continued Closed Session.

CONTINUED CLOSED SESSION

- C. Conference with Labor Negotiator, Jack Crist, pursuant to Government Code Section 54957.6: MMCEA and AFSCME

Attended by Councilmembers Feierbach, Wozniak, Braunstein, Dickenson, Lieberman, City Manager Crist, City Attorney Zafferano, Community Development Director de Melo, Finance Director Fil, Police Chief Mattei, Human Resources Director Dino, and Labor Negotiator Tuffo. City Clerk Cook was excused from attending.

ADJOURNMENT at this time, being 11:30 P.M.

Terri

Cook
City Clerk

Meeting Tape Recorded and Videotaped
Audio Recording 711 (Closed Session not taped)